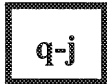




Staff Summary Report

Council Meeting Date: 12/12/02

Agenda Item Number: 49



SUBJECT: This is the second public hearing for Mill Avenue Ink LLC for a use permit for a retail and tattoo and piercing parlor operation, at 711 South Mill Avenue.

DOCUMENT NAME: 20021121dsrh09

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: This is the second public hearing for **MILL AVENUE INK LLC** (Mario Sanchez, property owner; Karie Witt, business owner) **#SIP-2002.85** for a use permit to allow a 2,700 s.f. retail store/tattoo and piercing parlor, located at 711 South Mill Avenue.

PREPARED BY: DeeDee (D²) Kimbrell, Planner II (480-350-8438)

REVIEWED BY: Steve Venker, Planning & Zoning Manager (480-350-8920)

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Approval

ADDITIONAL INFO: The applicant is requesting a use permit to allow a tattoo and body piercing parlor with the majority of the space used for retail jewelry, t-shirts, lotion, signs and stickers. Based on similar businesses in other locations, staff does not believe that the proposed use would be detrimental to adjacent businesses and property owners or contribute to a significant increase in vehicular traffic. Therefore, staff supports this request subject to conditions and believes the applicant should be given the opportunity to prove they can be compatible with adjacent businesses. However, staff is recommending a 1-year time frame for further review. This is consistent with previous recommendations for similar businesses. To date, staff has received signatures of adjacent merchants in favor of this request and has yet to receive any opposition. **Note: On October 15, 2002, City of Tempe's Code Enforcement Division cited the owner of Motif (Mill Ave Ink) for operating their business without a use permit and for not receiving a sign permit for their sign. City Council held their first public hearing for this request on November 21, 2002.**

- ATTACHMENTS:**
1. List of Attachments
 2. History & Facts
 3. Description / Comments / Reasons for Approval
 4. Conditions of Approval
-
- A. Location Map
 - B. Site Plan
 - C. Floor Plan
 - D. Letter of Explanation/Intent
 - E. Letter of Authorization
 - F. Signatures of Approval from Adjacent Merchants
 - G. Consent Form / Waiver of Claims
 - H. Notice from Code Enforcement

HISTORY & FACTS:

<u>December 22, 1976.</u>	Board of Adjustment approved a use permit for office/commercial uses; a parking reduction from 22 to 11; front and street side yard reductions from 12' to 0'. The approvals were subject to 3 conditions.
<u>November 23, 1977.</u>	Board of Adjustment approved a use permit for a restaurant use, as well as two parking related variances (parking quantity as well as stall size, based on site limitations during construction). The approval was subject to 2 conditions.
<u>February 28, 1979.</u>	Board of Adjustment approved a use permit and two additional parking related variances. The approval was subject to 2 conditions.
<u>May 28, 1980.</u>	Board of Adjustment approved several variances for an ancillary site that related to this Mill Avenue site. The requests dealt with parking and the improvements on that non-contiguous site.
<u>October 28, 1981.</u>	Board of Adjustment approved a lapse time limit on a restaurant use permit as well as a parking reduction (from 42 to 22). The approval was made subject to 3 conditions (the user was Marie's First Place.)
<u>April 27, 1983.</u>	Board of Adjustment approved an amended use permit for Marie's First Place to accommodate outdoor dining and a parking variance from 43 to 22 (the outdoor dining required one additional parking space). There was also action on a sign request. The approval was made, subject to 3 conditions.
<u>August, 1983.</u>	Board of Adjustment approved an amended use permit for the Salad Bar Restaurant as well as a parking reduction. The use permit and amended form allowed outside dining; the parking reduction was from 46 to 22 (the outside dining area required three additional spaces). The approval was made subject to 4 conditions.
<u>December 26, 1984.</u>	Board of Adjustment approved the following for Long Wongs: <ul style="list-style-type: none">a. Use Permit to re-establish a restaurant use at this location in this building complex and allow outside dining;b. Variance to reduce the required number of off-street parking spaces from 46 to 22.
<u>September 20, 1995.</u>	Design Review Board approved a 144 s.f. patio expansion for Long Wongs located at 701 South Mill Avenue.
<u>September 21, 1995.</u>	City Council approved a use permit request by Long Wongs for a 144 s.f. patio expansion located at 701 South Mill Avenue.
<u>October 12, 1995.</u>	City Council approved a variance request by Long Wongs to allow non-conforming conditions located at 701 South Mill Avenue.
<u>May 16, 2001.</u>	Design Review Board approved a 17' x 26' patio cover for Café Boa located at 709 South Mill Avenue.
<u>October 15, 2002.</u>	Code Enforcement cited the owner of Motif (Mill Ave Ink) for operating their business without a use permit and for not receiving a sign permit for their sign, located at 711 South Mill Avenue.
<u>November 21, 2002.</u>	City Council held their first public hearing for this request.

DESCRIPTION: Owner – Mario Sanchez
Business owner/applicant – Karie Witt
Existing zoning – CCD
Total bldg. area – 2,700 s.f.
Parking required – 11 spaces
Total parking provided – Downtown Tempe Shared parking model

Use Permit

Allow a 2,700 s.f. tattoo and piercing parlor in the CCD Zoning District.

COMMENTS: The applicant is requesting a use permit to allow a tattoo and body piercing parlor with the majority of the space used for retail jewelry, t-shirts, lotion, signs and stickers. Mill Avenue Ink is a new jewelry and art gallery business in the downtown area that provides tattoo and piercing services. The parlor currently has two (2) artists providing tattoo and piercing services with the ability to have an additional two (2) artists. On the average they have approximately 150 people a week come into their shop seeking one of their services and looking at the art and jewelry. They would do approximately 15 tattoo's and 25 piercings a week. The business owner states that the customers must be 18 years old and older for the tattoo and piercing services. In addition, a copy of their photo ID is placed at the back of the service release form. Proposed business hours are Noon to 10:00 p.m., Monday through Thursday, Noon to Midnight, Friday and Saturday, and by appointment only on Sunday.

Based on similar businesses in other locations, staff does not believe that the proposed use would be detrimental to adjacent businesses and property owners or contribute to a significant increase in vehicular traffic. Therefore, staff supports this request subject to conditions and believes the applicant should be given the opportunity to prove they can be compatible with adjacent businesses. However, staff is recommending a 1-year time frame for further review. This is consistent with previous recommendations for similar businesses. To date, staff has received signatures of adjacent merchants in favor of this request and has yet to receive any opposition.

REASON(S) FOR

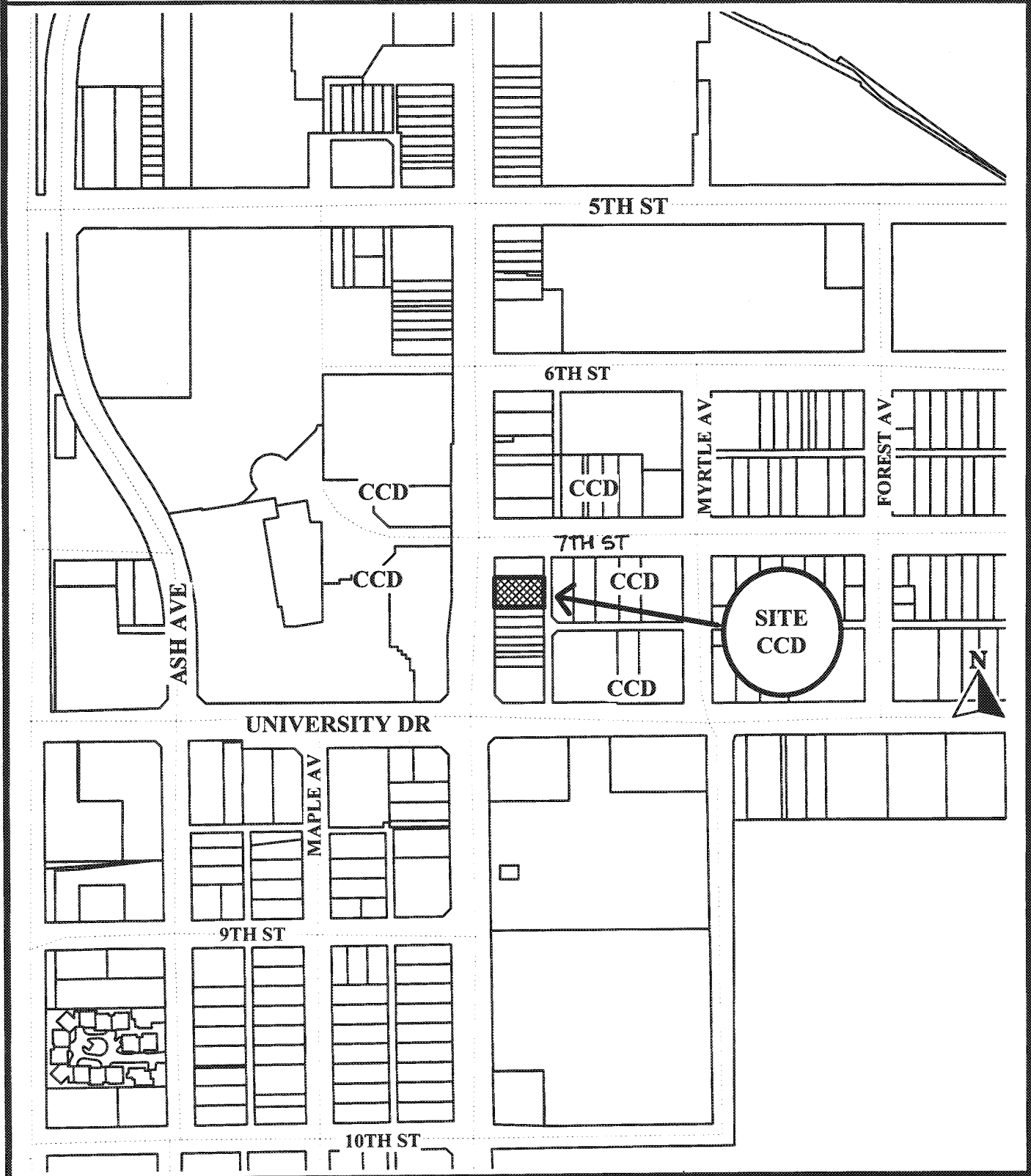
- APPROVAL:**
1. The proposed use permit does not appear to be detrimental to adjacent business and property owners.
 2. A 1-year review period will enable the business owner to establish a reputable track record.

**CONDITION(S)
OF APPROVAL:**

1. The use permit is non-transferable and is issued to the current owner of Mill Ave Ink LLC. (Karie Witt) only.
2. **On or prior to December 12, 2003**, the applicant shall return to the City Council for a review of compliance with the conditions of approval.
3. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
4. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
5. Hours of operation are limited to Noon to 10:00 p.m., Monday through Thursday, Noon to Midnight, Friday and Saturday, and by appointment only on Sunday.

MILL AVE INK LLC

SIP-2002.85

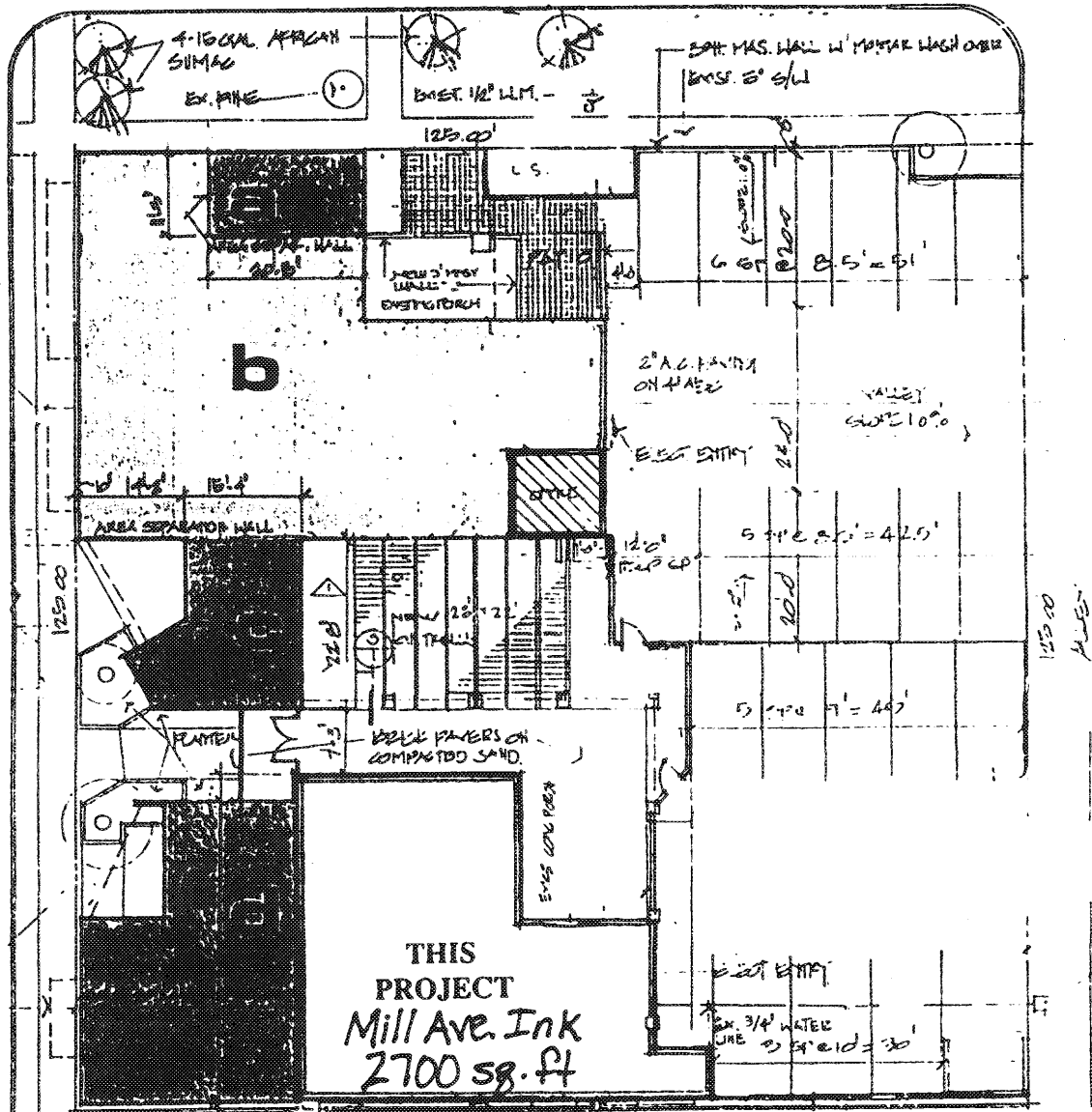


Location

A

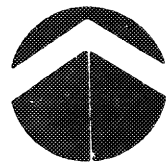
SEVENTH STREET.

MILL AVENUE



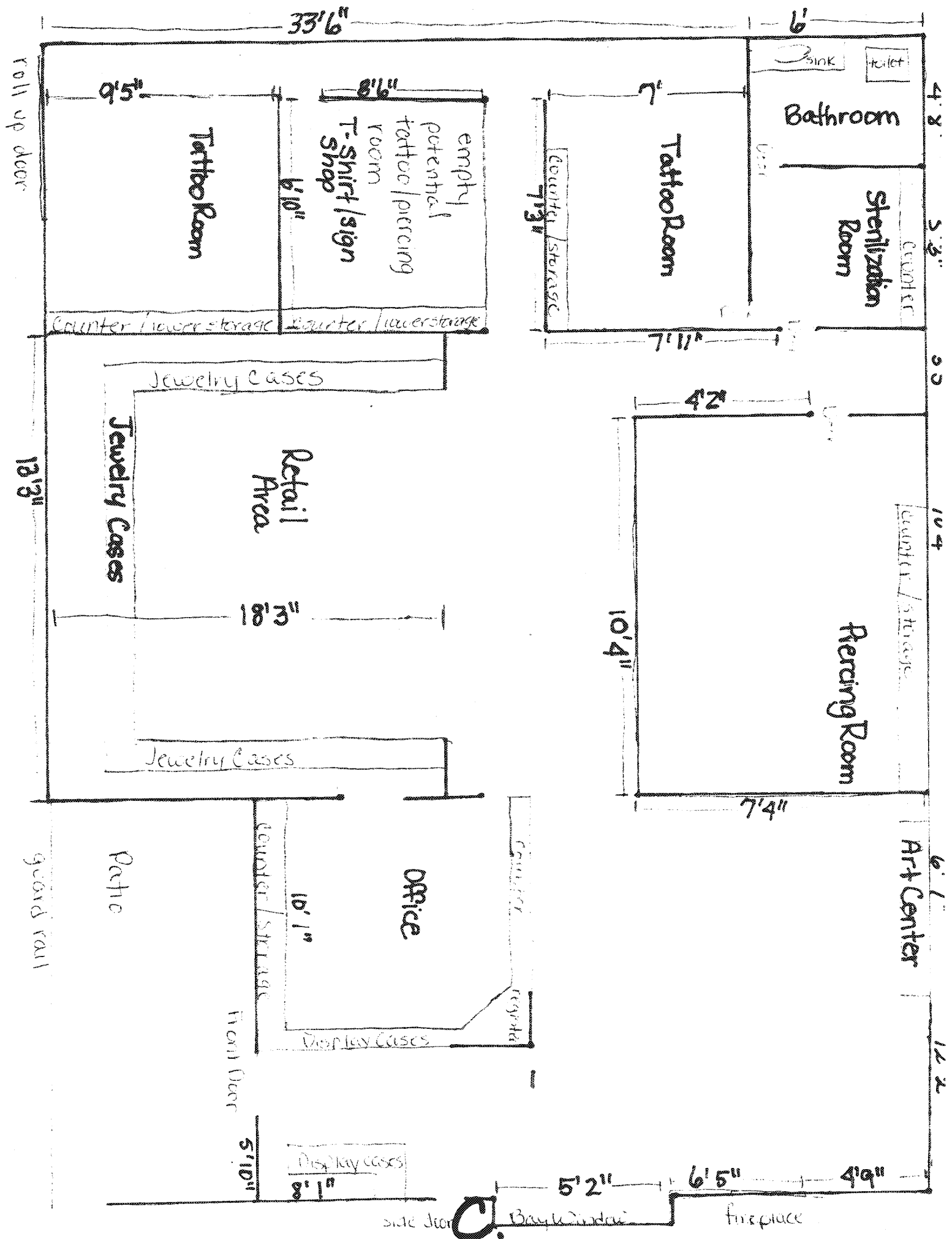
SITE PLAN

0 5' 10' 20' 40'
SCALE: 1" = 20'-0"



711 S. Mill Ave.
Tempe

B



10/23/02

City of Tempe
Planning & Zoning

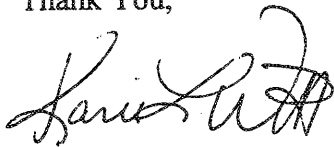
Mill Ave. Ink. LLC is applying for a use permit. We provide tattoo and piercing services to those clients that are 18 years of age and older that provide us with a valid ID. We photo copy all ID's to the back of the release form that states what service is being performed. We are a retail jewelry store and art gallery.

We intend to maintain industry standards for cleanliness. We use an autoclave for jewelry and instruments. Our needles are for single use only and are discarded in a sharps container with the biohazard insignia. We wear gloves to prevent cross-contamination and to protect our clients as well as ourselves. We intend to meet and exceed OSHA standards.

We don't believe that the "hard core" atmosphere relates to the downtown theme. We want Mill Ave. Ink to enhance the Downtown experience and maintain the integrity that has been set forth through its other merchants.

I am an Arizona native. I live in Tempe and raise my children here. I want to provide a clean, safe comfortable environment for those people who desire a tattoo or piercing.

Thank You,

A handwritten signature in black ink, appearing to read 'Karie Witt', with a stylized flourish at the end.

Karie Witt, Owner

Mill Ave. Ink

D

11-5-02

City Of Tempe

Re: Use permit at Mill Ave. Ink, 711 S. Mill Ave. Tempe, 85281

Our hours of operation are: Mon.-Thurs. 12:00pm – 10:00pm
 Fri.-Sat. 12:00pm – 12:00am
 Sunday appointments only

Mill Ave. Ink has 2 artists currently providing tattoo and piercing services. We have the ability to use 4 artists. The majority of space used is for retail jewelry, T-shirts, lotion, signs and stickers.

On the average we do approximately 15 Tattoo's and about 25 piercings a week. We have about 150 people a week come in to our shop seeking one of our services, looking at the art and jewelry.

RECEIVED
02 NOV - 6 AM 8:04
TEMPE-DEVELOPMENT
SERVICES DEPARTMENT

D.

October 22, 2002

City Of Tempe
Business License Department
Tempe, AZ

Ref. Karie Witt, Motif

Dear Sirs:

I have reviewed the request to add Tattoos and Body Piercing to the Jewelry Store. I do approve the request and use of the facility for the above-mentioned sales.

If you have any questions or need additional information, please contact me at 702 734-8200.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Mario Sanchez', with a stylized flourish extending from the end.

J. Mario Sanchez
Tempe/Mill

E

10/23/02

City of Tempe

Planning and Zoning

These are a list of merchants that are within a 300 ft. radius of MILL AVE. INK LLC.

The following merchants understand the business practices of MILL AVE. INK LLC and that part of this business is Tattoo and Body Piercing. The Managers of the following businesses understand that signing this form that they have on their own decided to represent the business that employ them and do not object to our business practices.

Jonathan Mues 777 S. Mill
The Activation Center
Hayley M. White SUPERSTORE
717 SOUTH MILL
TEMPE AZ
Sandra E. Ford 701 S. MILL AVE. TEMPE AZ
Casey M. Ford 709 S. Mill Ave Tempe AZ
Andrea Reiss DIVAZ ~~717 S. MILL AVE~~ (740) 110-5
Jennifer Garrison DIVAZ.
Matt TRANDEL Caffe Bar 709 S. Mill Ave.
Patricia Leley Jack in the Box 721 S. Mill Ave.

Thank you,

Karie Witt

Mill Ave. Ink llc

Karie Witt, Owner

F

MILL AVE. INK LLC

Consent Form / Waiver of all Claims

I acknowledge by signing this release form that I have been given the full opportunity to ask any questions which I might have about this body modification service from Mill Ave. Ink. All my questions have been answered to my full and total satisfaction. I specifically acknowledge I have been advised of the matters set forth below and agree as follows:

1. I DO NOT have epilepsy, diabetes, hemophilia, hepatitis, HIV or any other disease.
2. I DO NOT have a heart disease nor do I take any medication which thins the blood.
3. I am not pregnant or nursing
4. I have advised the piercer/artist of any allergies to metals, latex gloves, soaps, inks and or medication. I acknowledge that it is not reasonably possible for the piercer/artist to determine whether I might have an allergic reaction to the body modification. I understand the risk of a reaction is possible.
5. I have trustfully represented to the piercer/artist with a VALID ID that I am 18 years or older.
6. I am not under the influence of any drug or alcohol
7. I acknowledge that this piercing or tattoo is my choice alone and obtaining it will change my appearance permanently.
8. List medications: _____

I agree to release and forever discharge and hold harmless Mill Ave. Ink and all its employees from any and all claims, damages, or legal actions arising from or connected to this body modification service.

Date:

Name:

Address:

Age:

Phone#:

Signature:

Artist Name:

Service Provided:

RECEIVED
02 NOV 14 PM 2:59
TEMPERLEY DEVELOPMENT
SERVICES DEPARTMENT

G

CASE #CE024114



City of Tempe Code Enforcement Division

Courtesy Notice

We need your help to keep our City clean.

ATTN: KARIE WITT
MOTIF TATTOO/BODY PIERCING GALLERY
711 S. MILL AVE.
TEMPE, AZ 85281

This is a courtesy notice to inform you that on 10/15/02, 711 S. MILL AVE.
(date) (location)

was inspected and found to be in violation of the following subsection(s) of the Zoning Ordinance, Ordinance 808 of Tempe City Code. A re-inspection will be conducted on or after 10/24/02 to verify compliance.

☐ Section 2-1002: CCD, Uses subject to a Use Permit.

☐ Section 5-701 (A): A sign permit is required to erect, install, relocate, modify or change any sign within the city.

Additional Information/Corrective Action Required 10/24/02

PLEASE KEEP THE PROPERTY MAINTAINED AT ALL TIMES.

- 1) THE TATTOO/BODY PIERCING BUSINESS HAS NOT BEEN APPROVED. YOU WILL NEED TO OBTAIN AN APPROVED USE PERMIT FROM THE CITY COUNCIL IN ORDER TO CONTINUE YOUR BUSINESS OPERATION.
- 2) THE BUSINESS SIGN HAS NOT BEEN PERMITTED; THE SIGN WILL NEED TO BE REMOVED UNTIL THE PROPERTY HAS AN APPROVED SIGN PERMIT. IN ORDER TO APPLY AND RECEIVE A SIGN PERMIT YOU WILL NEED TO HAVE A BUSINESS USE PERMIT ON FILE.

PLEASE HAVE THE ENCLOSED CITY COUNCIL USE PERMIT WITH ALL REQUIRED MATERIALS SUBMITTED BY 10/24/02; THIS IS THE NEXT CITY COUNCIL SUBMITTAL DEADLINE.

IF APPLICATION IS NOT SUBMITTED YOU COULD BE SUBJECT TO A ZONING VIOLATION WHICH CONSISTS OF CRIMINAL CHARGES BEING FILED BY CITY PROSECUTOR'S OFFICE AND FINES OF \$2,500.00 PER DAY.

THANK YOU AND PLEASE CONTACT ME IF YOU HAVE ANY QUESTIONS.

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. Failure to comply may result in criminal charges against the property owner or responsible party.

Notice was delivered to KARIE WITT on 10/16/02
Owner/Occupant Date

☐ Posted to the property _____ or ☐ Mailed on _____
Date Date

Code Enforcement Officer SHAWN DAFFARA Phone Number 480-858-2284

CE808 10/98

H